



8B
7/10/03
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Gibson et al.

Application No.: 09/580,380

Filed: May 26, 2000

Title: METHOD OF DETERMINING THE
THREE-DIMENSIONAL SHAPE OF A
MACROMOLECULE

Attorney Docket No.:
UCSFP001/1584.002

Examiner: Marsciel, Ardin II

Group: 1631

TECH CENTER 1600/2900

JUN 05 2003

RECEIVED

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first-class mail on May 27, 2003 in an envelope addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

Signed: _____

Leslie Russell

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Election/Restriction Requirement mailed March 24, 2003, Applicants hereby elect Group I, (claims 1-26, 73, and 74), with traverse. In response to the first election of species requirement, Applicants hereby elects specie A: methods wherein mass spectrometer analysis is utilized. In response to the second election of species requirement, Applicants hereby elect "proteins" as the macromolecular type.

The listing of all claims readable on these elected species includes claims 1-6, 8-26, 73 and 74. Applicants note while claim 15 recites "size exclusion chromatography," the claim embraces methods in which mass spectrometer analysis is also utilized. Note claim 26, for example, which employs both size separation using chromatography and mass spectrometric analysis.

Applicants acknowledge that each of the four Groups identified by the Examiner may be classified separately. However, it is respectfully submitted that a complete search of the claims presented in Group I should subsume the classes identified for Groups III and IV, as well. Each of these groups includes claims directed to using mass information for fragments of a protein, which fragments were generated by imposing at least one distance constraint on the protein. This information is then used to computationally provide structural details of the protein. Therefore, it is respectfully submitted that it would not constitute an undue burden to search the claims of Groups I, III, and IV together, while imposing the election of species requirement.

If any fees are due in connection with the filing this Response to Election/Restriction Requirement, the Commissioner is hereby authorized to charge such fees to Deposit Account 500388 (Order No. UCSFP001).

Respectfully submitted,

BEYER WEAVER & THOMAS, LLP



Jeffrey K. Weaver

Registration No. 31,314

P.O. Box 778
Berkeley, CA 94704-0778
(510) 843-6200